

**AMENDMENT TO THE CLAIMS**

The following listing of claims replaces all prior versions, and listings, of the claims in this application.

**LISTING OF CLAIMS**

1. (Currently Amended) An apparatus for forming an artificial valve to treat gastroesophageal reflux disease comprising:

a first endoscope ~~to be inserted adapted to be orally~~  
5 ~~inserted from the mouth~~ into a body cavity;

a holding device extending out of ~~the~~ a distal end of the first endoscope and ~~holding adapted to hold~~ a point of a digestive wall of the ~~cavity body~~ body cavity where the artificial valve is to be formed;

10 a first needle ~~being that is~~ moveable in a longitudinal direction of the first endoscope and ~~including that includes~~ a sharp end ~~for penetrating adapted to penetrate~~ the digestive wall, ~~said first needle being adapted to be positioned at an from~~ the oral side of the ~~point to the anal side of the point holding~~ 15 device before piercing the digestive wall;

a suture ~~passing adapted to pass~~ through the digestive wall following the first needle; and

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a suture retaining device having a grasping section ~~for~~  
~~grasping adapted to grasp~~ the suture after ~~it~~ the suture has  
20 passed through the digestive wall.

2. (Currently Amended) The apparatus according to claim 1,  
wherein the suture retaining device is adapted to pull the suture  
out from the body cavity, and wherein the apparatus further  
comprising comprises:

5 a knot pushing device ~~for moving adapted to move~~ a knot of  
the suture, which is formed outside the body cavity after the  
suture has been pulled out from the body cavity by the suture  
retaining device, into the body cavity.

3. (Previously Presented) The apparatus according to  
claim 1, wherein the holding device includes two jaws moveable  
between an opened position and a closed position.

4. (Previously Presented) The apparatus according to  
claim 1, wherein the first needle has a hollow space disposed  
therein.

Claim 5 (cancelled)

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6. (Previously Presented) The apparatus according to claim 1, further comprising:

a second needle positioned side by side and spaced apart by a certain distance from the first needle.

Claim 7 (Currently Amended) The apparatus according to claim 6, wherein the first needle and the second needle are disposed on ~~the~~ an outer periphery of the first endoscope.

8. (Currently Amended) The apparatus according to claim 1, further ~~including~~ comprising:

a guide member having a through hole ~~is~~ provided side by side with the holding device;

5 wherein the suture retaining device is moveable in the through hole of the guide member.

9. (Previously Presented) The apparatus according to claim 1, wherein the suture retaining device includes two jaws moveable between an opened position and a closed position.

10. (Currently Amended) The apparatus according to claim 1, further comprising a second endoscope, wherein the first needle ~~extended~~ extends from a distal end of the second endoscope.

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11. (Currently Amended) The apparatus according to claim 1, wherein the first needle is moveable in a position nearer to ~~the~~ a handle section of the first endoscope than the distal end of the first endoscope is.

12. (Currently Amended) The apparatus according to claim 1, wherein ~~when~~ the holding device ~~holds the~~ is adapted to holding a junction of a stomach ~~and a~~ esophagus and an esophagus, and the first needle is adapted to be positioned in the oral side of the junction.

Claims 13-19 (cancelled)

20. (Previously Presented) The apparatus according to claim 6, further comprising a second endoscope, wherein the first needle and the second needle extend out of a distal end of the second endoscope.